



FOR RELEASE:
May 30, 2006

CONTACT: (202) 225-6504
Jonathan Godfrey

Conyers Criticizes FBI Raid of Congressional Office

Representative John Conyers, Jr., the Ranking Democrat on the House Judiciary Committee, issued the following statement at the Judiciary Committee hearing on the constitutional issues raised by the search of the congressional offices of Representative William Jefferson by agents of the Federal Bureau of Investigations (FBI):

The issue before us today involves the intersection of the prerogatives all three branches of government – the executive branch, the judicial branch, and the legislative branch. The manner in which we review and respond to the events in the Capitol of 10 days ago will establish an important precedent concerning relations between the branches for the next several generations.

There are three important issues before us – are Members of Congress above the law; were the tactics employed last Saturday night appropriate and lawful; and what procedures can we put in place to resolve the present conflict and avoid future constitutional confrontations

First, there is little doubt that Members of Congress are not above the law. The public integrity unit at the Department of Justice is an aggressive, professional unit. They have convicted one Member of Congress this year already and have several pending investigations. They have the full power of not only the FBI, but the grand jury behind them, and they can be quite persuasive and resourceful when they are interested in obtaining evidence or witnesses in corruption investigations.

Second, in my judgment, the procedures employed last Saturday night were sloppy at best, and reckless at worse. In 219 years we have been able to avoid the spectacle of the FBI swooping down into the Capitol in direct confrontation with another duly empowered police force. Ten days after the fact, we have yet to be told why the pending subpoena against Rep. Jefferson could not have been enforced consistent with the law.

We have never been told why this search had to be done in the middle of the night and at a time when the constitutional representatives of this body were unreachable. And we have never learned why Rep. Jefferson was not permitted to have his attorneys

present while his offices were searched for some 18 hours. The so-called safeguards utilized by the Department – creating their own “team” to review claims of relevance and speech and debate protections – provide little constitutional comfort. Like the rest of the search procedures, they were developed unilaterally by DOJ with little thought given to the constitutional prerogatives at stake.

Third, the most important question is how we resolve the present stand off, and how we prevent a recurrence of these problems in the future. A 45-day freeze is a start, but not a solution. We need to develop procedures that take into account both the importance of fighting corruption on the one hand; and separation of powers and the speech and debate clause on the other.

In my judgment we need safeguards to ensure that executive branch officials cannot abuse their authority. I would suggest the executive branch cannot do that by itself, even with an ex parte application to a judge. There needs to be an independent and trusted arbiter representing the institution of Congress to make sure law enforcement officials obtain the evidence they need, but do not have access to constitutionally protected materials. One possible arbiter is the House Counsel’s office, another is the Ethics Committee. I believe we can work our way through this issue if both sides show an element of good faith and common sense, and put the threats of mass resignations behind us.

##109-JUD-053006##